IN RE: PETITION FOR ZONING VARIANCE SE/S Pulaski Highway, 1330' ZONING COMMISSIONER E of Beltway I-695 Ramp (8655 Pulaski Highway) 15th Election District OF BALTIMORE COUNTY 6th Councilmanic District Case No. 88-414-A Leroy Merritt Petitioner

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## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioner herein requests a variance to permit one parking space for each 50 sq.ft. total ground area for an existing restaurant and proposed improvements and to allow 64 parking spaces in lieu of 69 spaces as required by the proposed additional construction and as granted in previous Case No. 84-31-A all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Counsel, John O. Hennegan, Esquire. Also appearing on behalf of the Petition was James T. Dresher, Jr., Vice President, Edgewood Corporation, the Contract Lessee. There were no Protestants.

Testimony indicated that the subject property, zoned B.R., is the site of a McDonald's Restaurant. The Contract Lessee, which operates the restaurant. was granted a variance for 64 parking spaces in previous Case No. 84-31-A. The fibules at existing entrances near the side of the restaurant for customer convenience and safety. Testimony indicated that the expansion is for floor space only. The proposed drive through window (cash receipts booth) is not accessible to the public. Neither the two vestibules nor the proposed cash booth are accessible to consumers for retail transactions. Further testimony indicated that the expansion of the floor space would not increase or decrease business and that the proposed additional booth would result in less stacking than required as shown on the site plan and result in better traffic control and flow. Testi-

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines
Zoning Commissioner

FEB 2 6 1988 FEB 2 1988

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 88-414-A SES Pulaski Highway, 1330' E of Beltway (695 Ramp) (8655 Pulaski Highway) 15th Election District - 6th Councilmanic District Petitioner(s): Leroy Merritt HEARING SCHEDULED: MONDAY, APRIL 18, 1938 at 10:00 a.m.

Variance from Section 409.2b.(3) requiring one parking space for each 50 square feet total ground area for restaurant, to allow 64 spaces in lieu of the 69 spaces as required by the additional construction

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Mr. Leroy Merritt John O. Hennegan, Esq. mony indicated that there would be no loss of any parking spaces as a result of the additional construction.

The Petitioner seeks relief from Sections 409.2b3, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of May, 1988 that one parking space for each 50 sq.ft. total ecound area for an existing restaurant and proposed improvements and to allow 64 parking spaces in lieu of 69 spaces as required by the proposed additional construction and previous Case No. 84-31-A, in accordance with Petitioner's Exhibit , be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to re-

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines
Zoning Communications

Mr. Leroy Merritt 2066 Lord Baltimore Drive Baltimore, Maryland 21207

Res Petition for Roufing Martance Case numbers 33-414-4 SES Philaski Piniamy, 1330° E of Beltway (695 Ramp) (3055 Pulaski Highway)
15th Election District - 5th Councilnosic District
Petitioner(s): Leroy Merritt HEARING SCHOOLING: FRUDAY, APRIL 18, 1983 at 10:00 a.m.

Dear Mr. Merritti

Please be advised that 18.70 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office it along with the sign(s) and post(s) to the zoning office, county of the paiding, Room 111, Towson, Maryland 21204 fifteen (15) minutes before SALTIMORE COUNTY MADVIAGO CFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 50507 and post set(s), there for each set not 8 134\*\*\*\*\*\*\*\*\*\*\*\* Sinet & 5

VALIDATION OR SIGNATURE OF CASHIER

turn, and be responsible for returning, said property to its original condition.

> Zoning Commissioner of Baltimore County

JRH:bjs

88-414-A CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 1574 Date of Posting 4/1/87 Location of property: 5 Els Polosti Huy, 1330' ElBollwing Location of Signe: Fasing Polishir Huy Porte 17 Fre 100 dwog,

> "DUPLICATE" CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Bel-tamore County, by authority of the Zoning Act and Regulations of Belta-more County will hold a public hearing on the property identified herein in Ecom 10s of the County Office Building, located at 111 W Chesapeake Avenue in Towson, Maryland as follows. TOWSON, MD. 11. LLCA 21 19.43 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed Printed as tollows:
Printed for Zoning Verlance
Case Number 88-616-A
SE-5 Polasia Highway, 1330 E of
Betway (895 Ramp)
(8055 Pulasia Highway)
19th Election District
6th Councilmanic District
Printederics: Leroy Merrint
Historics Is 2000 a m.
Variance from Services 400 to 15. and published in Towson, Baltimore County, Md., appearing on March 31,10 35 Variance from Section 819 26 (3) requiring one parking quare for each 50 square feet total ground area for restaurant to allow 64 spaces in lens of the 64 spaces as required by the additional construction and Case 894-31-A. THE JEFFERSONIAN,

Sunn Sender Obrest

\$ 31.50

88-414-A

Dennis F. Rasmusser,

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building

Ill W. Chesapeake Avente

Towson, Maryland 21204

Your petition has been received and accepted for filing this day of february , 1988.

Inneent Edgmend Corp./

in the event that this Petition is

granted, a building permit may be secured within the therty (30) day ap-

peared within the thirty (30) day ap-pear period. The Zaning Commis-sioner tell, however, entertain any request for a stay of the insuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing art above or presented at the hear-ure.

3413 Mar. 31

J. ROBERT HAINES

Petitioner Leroy Merritt Received by: Chairman, Zoning Plans Advisory Committee

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.2635 requiring one parking space for each 50 aquara feet total ground area for restaurant, to allow 64 spaces in lieu of 69 spaces as required by

the additional construction and Case # 84-31-A of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

following reasons: (indicate hardship or practical difficulty) 1. That not to allow the variance would be hardship in that the Petitioner is reconstructing the drive-in facility to provide for a cash window and provide a better traffic flow and pattern as a result, there would be no increase in personnel or in the use of the restaurant facilities and no parking spaces will be lost. 2. That the practical difficulty is that there will be a increase in square footage of the facilities as a result of the cash window and vestibules with no increase in the use of the restaurant or parking.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Rurchusere Lessee: Edgewood Corporation TIMORE COUNTY, MARYLAND FICE OF FINANCE - REVENUE DIVISION ISCELLANEOUS CASH RECEIPT

N-13,590 E-37,130 iltimore Drive 298-2600 N. #244 8 3037 \*\*\* \* 130,0:a 2074F

or representative to be contacted VALIDATION OR SIGNATURE OF CASHIER The state of the s John O. Hennegan, Esquire 809 Eastern Boulevard Attorney's Telephone No.: 686-8274 Essex, Maryland 21221

ORDERED By The Zoning Commissioner of Raltimore County, this \_\_\_\_\_\_\_day 

AVAILABLE FOR BEARING -1/2HR +1HR.

AVAILABLE FOR BEARING

BON./TUDS./CID. - KINT TID KONTINS (over) OTHER MINED H. 11!

OF

CERTIFICATE

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines

P. David Fields

TO Zoning Commissioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE COUNTY OFFICE BLDG. John O. Hennegan, Esquire 809 Eastern Boulevard Baltimore, Maryland 21221 Engineering Department of fraffic Engineering State Roads Commission Dear Mr. Hennegan: The Zoning Plans Advisory Committee has reviewed the plans submit-Fire Prevention ted with the above-referenced petition. The following comments **Health Department** are not intended to indicate the appropriateness of the zoning Project Planning action requested, but to assure that all parties are made aware of Building Department plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a Board of Education written report with the Zoning Commissioner with recommendations Zoning Administrat as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Enclosures cc: Frank S. Lee 1277 Neighbors Avenue Towson, Maryland 21204



· April 18 1988

Petitioner: Leroy Merritt/Lessee: Edgewood Corp.

RE: Item No. 244 - Case No. 88-414-A

Petition for Zoning Variance

Very truly yours,

Zoning Plans Advisory Committee

Chairman

Baltimore County

Fire Department

J. Robert Haines

Zoning Commissioner

Towson, MD 21204

Item No.: 244

Office of Planning and Zoning

Baltimore County Office Building

Re: Property Owner: Edgewood Corp.

of Public Works.

prior to occupancy.

Paul H. Reincke

Towson, Maryland 21204-2586

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Hal Kassoff

January 27, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 ATT: James Dyer

Re: Baltimore County Meeting of 1/19/88 Edgewood Corporation S/E/S Pulaski Highway 1330' east of Interstate 695 ramp (Item #244)

Dear Mr. Haines:

After reviewing the submittal dated April 22, 1987, for a variance to permit a required one parking space for each 50 square feet, the State Highway Administration-Bureau of Engineering Access Permits finds the plan generally acceptable. If you have any questions, please contact Larry Brocato of

Very truly yours,

Creston J. Hills, Jr. Acting Chief-Bureau of Engineering Access Permits

LB/es cc: J. Ogle

11 8 2 1988 CC

ZONING OFFICE

My telephone number is (301) 333-1350 Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro = 565-0451 D.C. Metro = 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554



February 18, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

MSF/pml-b

The Bureau of Traffic Engineering has no comments for items number 242, 243, 244 and 245.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

McDonald's

McDonald's Corporation MilDonald's Centre 3015 Williams Drive Fautas Virginia 22031

McDonald's Restaurant 8655 Pulaski Highway 15th District Baltimore County, Maryland

Beginning for the same on the southeast side of Pulaski Highway at the distance of 1330 feet more or less measured along the southeast side of Pulaski Highway from the center line of the Baltimore County Beltway, thence running and binding on the southeast side of Pulaski Highway North 44 degrees 51 minutes 27 seconds East 230 feet, thence leaving Pulaski Highway for three lines of division as follows: South 45 degress 00 minutes 01 second East 175 feet, South 44 degrees 51 minutes 27 seconds West 230 feet and North 45 degrees 00 minutes 01 second West 175 feet to the place of beginning.

Containing 40,250 square feet of land.

jb/2669C

Dennis F. Rasmussen Location: SE/S Pulaski Hwy., 1300° E. of Beltway (695) Ramp Zoning Agenda: Meeting of 1/19/88 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. ( ) 1. Fire bydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department ( ) 2. A second means of vehicle access is required for the site. ( ) 3. The vehicle dead end condition shown at EXCERDS the maximum allowed by the Fire Department. ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. ( x ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition ( ) 6. Site plans are approved, as drawn. ( ) 7. The Fire Prevention Bureau has no comments at this time.

January 12, 1988

